

REMARKS

Restriction

The Examiner requires Applicant to elect one of the following Groups of inventions identified by the Examiner:

- Group I: Claims 1-10 & 14-19, drawn to a process for treating wood; and
 - Subgroup IA: Claims 1-10; and
 - Subgroup IB: Claim 14-19; and
- Group II: Claims 11-13 & 20-21, drawn to an article of wood; and
 - Subgroup IIA: Claims 11-13; and
 - Subgroup IIB: Claim 20-21.

Applicant hereby elects Claims 1-10 (Group IA), with traverse.

Applicant respectfully traverses the Examiner's Restriction Requirement. In accordance with M.P.E.P. § 803, an application may properly be required to be restricted to one or more claimed inventions only if they are able to support separate patents and they are either independent (M.P.E.P. § 806.04 - § 806.04(i)) or distinct (M.P.E.P. § 806.05 - § 806.05(i)). In particular, there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent (see M.P.E.P. § 802.01, § 806.04, § 808.01) or distinct as claimed (see M.P.E.P. § 806.05 - § 806.05(i)); and (B) There must be a serious burden on the examiner if restriction is required (see M.P.E.P. § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

Applicant respectfully submit that Claim 11 (Group II) is explicitly restricted to wood when treated by the process of Claim 1 (Group 1). The Examiner seems to be suggesting that the wood as per Claim 11 would be obtained by a process similar to that defined by Claim 1 but which the diffusion step (b) is omitted. There is however no technical basis of this suggestion and it will in fact be noted that the paragraph bridging pages 2 and 3 of the present specification suggests that the diffusion of the furfuryl alcohol in the wood is an aspect of the invention. In this circumstance, it is respectfully submitted that the Examiner is incorrect in refusing to group Claim 11 with Claims 1-10. Applicant respectfully requests the Examiner to reconsider and withdraw the restriction, and examine Claim 11 along with claims 1-10.

With respect to Claim 12 and 13 (Group II), these claims relate to a wood product having the characteristics that wood be obtained in accordance the process of Claim 1. It is respectfully submitted that the Examiner has not explained how the products of Claim 12 and 13 can be made by another and materially different process from the process defined in Claim 1. Applicant respectfully requests the Examiner to reconsider and withdraw the restriction, and examine Claims 12-13 along with Claims 1-10.

In addition, Applicants respectfully assert that search and examination of the entire application can be made without serious burden, regardless as to whether it includes claims to independent or distinct inventions.

Prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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Respectfully submitted,
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